



UNITED STATES DEPARTMENT OF COMMERCE
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(25)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/932,784	09/18/97	MCKAIN	J A0521/7125

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EXAMINER

NGUYEN, H

ART UNIT	PAPER NUMBER
2712	4

DATE MAILED: 07/07/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/932,784

Applicant(s)
MCKAIN et al

Examiner
Huy Nguyen

Group Art Unit
2712



☐ Responsive to communication(s) filed on _____.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 and 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Washino et al. (5,488,433).

Regarding claim 1, Washino et al. discloses a digital motion picture recorder (Figs 1 and 2) comprising a motion picture camera (video camera) for providing a motion video signal; means (6, 740) converting the motion video signal into a sequence of digital still images and compressing the sequence of digital still image (column 4, lines 57-68); and means for storing the sequence of digital still images on a writable random-access medium (70) in a computer readable file form (column 10, lines 9-25).

Regarding claim 2, Washino et al. further discloses a compressing means for compressing the sequence still images .

Regarding claims 3-4, Washino et al. further discloses a editing system (Fig 2) and a display means (view finder 4)

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Regarding claims 5-6, Washino et al. further teaches that the digital medium is a disk- type drive (70) and the disk- type drive is mounted in a housing detachable from the housing of the digital motion picture recorder.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Washino et al..

Washino et al. fails to specifically teach that the housing of the recorder is rugged.

However, it is noted that making a housing to be rugged so that to provide more endurance to a

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device is well known in the art and also it is required by customer. Therefore it would have been obvious to one of ordinary skill in the art to make the housing of the recorder of Washino et al. to be rugged, if not inherently disclosed by Washino et al. , in order to provide the recorder of Washino et al. with more endurance.

5. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Washino et al. in view of Nishi et al.

Washino et al. fails to specifically teach means for calibrating the motion picture signal to a digital video color standard. However, it is noted that employing means for calibrating a video signal to a digital color standard is well known in the art and as shown by Nishi et al. Nishi et al , Fig 1, discloses a color calibrating means (76,86) for calibrating a video signal to a digital color standard. Therefore it would have been obvious to one of ordinary skill in the art to employ the color calibrating means as disclosed by Nishi et al into Washino et al for calibrating the motion picture signal to a digital color standard so as to improve the quality of the images in reproducing.

Conclusion

6. This is a continuation application of applicant's earlier Application No. 08/702,152. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a

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first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Nguyen whose telephone number is (703) 305-4775. The examiner can normally be reached on Monday to Friday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

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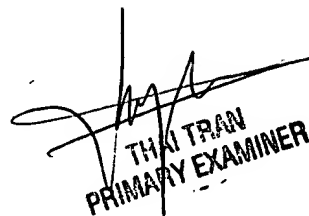
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


THAI TRAN
PRIMARY EXAMINER

H.N

July 4, 1998